



## MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Fish, followed by the Pledge of Allegiance.

## ROLL CALL

Present: COMMISSIONERS Bennett, Bogue, Caveglia, Halliday, Williams, Zermefio  
CHAIRPERSON Fish  
Absent: COMMISSIONER None

Staff Members Present: Anderly, Borger, Camire, Looney

General Public Present: Approximately 15

**PUBLIC COMMENT** - There was no public comment

## AGENDA

1. **Revocation of Use Permit Application No. 20313 – Al M. Casatico (Owner):** Request of the Planning Manager to revoke a use permit due to noncompliance with the conditions of approval. *The project location is 22301 Mission Blvd, in a Central City Commercial (CC-C) Subdistrict.*
2. **Variance No. 99-180-12– Christ's Community Christian Reformed Church (Applicant/Owner):** Request for a variance from the sign ordinance requirements to allow a reader board and an internally illuminated plastic sign within a metal cabinet. *The project location is 25927 Kay Avenue at the north corner of Kay and Calaroga Avenues in the Single-Family Residential (RS) and the Medium Density Residential (RM) Districts.*

## PUBLIC HEARINGS

1. **Revocation of Use Permit Application No. 20313 – Al M. Casatico (Owner):** Request of the Planning Manager to revoke a use permit due to noncompliance with the conditions of approval. *The project location is 22301 Mission Blvd, in a Central City Commercial (CC-C) Subdistrict.*

Chairperson Fish excused himself from hearing the item due to a conflict of interest. He stated that he owns property near the subject property. Vice Chair Caveglia then took the gavel.

Associate Planner Camire made the staff presentation and indicated that the permit was first approved in June of 1969 by the Board of Adjustments for used car sales and minor servicing of autos for sale. Heavy auto repairing was not permitted. The three conditions of approval required landscaping on Mission Boulevard and Grace Street; concrete curbing around the perimeter of the property; and that an identification sign on the roof was to be removed. She reported that the property has a history of violations including the storage of automobiles on adjacent property. The Zoning Ordinance does not allow on-site auto storage in the Central City

Commercial Zoning District. She indicated that staff brought the revocation because the owner has missed dates for installation of the landscaping and removal of stored automobiles. Compliance has not occurred.

Commissioner Williams asked what constituted minor repairs when the permit was first issued.

Planning Manager Anderly explained that the owner could do minor maintenance including oil changes, tire work and work that could occur in one day, in and out service, but no major body work or heavier repair.

Commissioner Halliday asked for further information on the landscaping and the number of cars on the lot.

Associate Planner Camire explained that, although staff had been assured that the landscaping would be completed by December, it still has not been installed in a timely manner. With the exposed piping, etc., the property could be dangerous.

The Public Hearing opened at 7:45 p.m.

Lewis Vohland, 6838 Saroni Drive, Oakland, attorney for the applicant, recommended to both the property owner and the business owner that the cars on the adjoining lot be removed right away. He indicated that they had agreed. The landscaping is mostly done, but things are slow in being installed. He asked that the permit not be revoked at this time since the applicant and owner are making a good faith effort to comply with the conditions of approval. He said the two will do everything they can to maintain the permit.

Al Casatico, 2150 Hidden Oak Drive, Danville, owner of the property, maintained that he will do whatever is necessary to maintain the use permit. He added that they have done all of the curbing and are doing the landscaping as well. He maintained that the lot on Grace Street which is used as over-flow is owned by someone else, and is used with permission. He added that the landscaping should be done within a few days, as soon as the plants and trees arrive.

Joseph Huber, 5781 Coldwater Drive, Castro Valley, the business owner on the property, said he has had a number of serious health problems which have limited him in taking care of the property. He has been looking to rent a different location in order to move the cars from his lot. He has proposed moving a number of them to property in the City of Alameda at the old Naval Air Station but is being told by that City that the permit process could take from 60-90 days. He maintained that every vehicle on this property is driveable. He stated that there has been a lot of vandalism on the property, including stolen license plates, which, in turn, make the vehicles inoperable until they are replaced.

Celeste Perry, 26876 Pelham Place, said she filed the original complaint. She maintained that many of the autos were illegally parked on Grace Street, creating a traffic and safety hazard in the neighborhood. She described the situation as a "cat and mouse game," with the applicant moving the cars from space to space instead of getting rid of them.

The Public Hearing Closed at 8:07 p.m.

Commissioner Zermefio moved, seconded by Commissioner Bennett, to give the applicant and owner until the end of January to clean up the property and be in compliance with the requirements of the permit. If they fail to comply the revocation will automatically be invoked.



Commissioner Williams explained that his main concern is with the neighbors and their quality of life. He said he saw no similar concern on the part of the applicant and owner for those living in the area.

Commissioner Bogue asked whether a condition could be added that no cars be parked in the street. He also asked what the site lines toward the street will be.

Planning Manager Anderly said the Use Permit is for this lot only and not for the other lot or the street. She explained that they would bring in the Engineering Department to determine the necessary site-lines.

Commissioner Halliday said she was concerned that the cars might be removed by the due date and then returned a few days later. She suggested that perhaps this lot size is not adequate for this type of business.

Commissioner Bennett suggested a friendly amendment of bringing it back for further review in six months.

Commissioner Zermefio said he would agree since the intention of the motion is to give them a chance.

Assistant City Attorney Borger reiterated the motion saying that the findings for revocation would be suspended until February 1. If they are in compliance at that time, the Use Permit would continue. If not, the revocation would be effected and the applicant and owner would have ten (10) days from that time to appeal the revocation to the City Council.

Commissioner Williams suggested the area and the business be monitored through the Police Department since they cite the cars which violate the laws. He suggested this would be a guide for neighbor's concerns. These, then, could be used later to revoke the permits.

Planning Manager Anderly clarified that this requirement is for the majority of the business which is inside the building since the applicant has not formally requested to modify his business.

Commissioner Bennett explained that the point of extending the time was to give Mr. Huber a chance to finish what he has begun in trying to clean up the area. Given the serious health problems he mentioned, his could be considered a hardship case.

Commissioner Caveglia said he shared Commissioner Halliday's concerns that the history of the business does not warrant further consideration. He said he got the sense that the applicant has a history of these "cat and mouse games" and has been playing them for years.

The motion **carried** by the following vote:

AYES: COMMISSIONERS Bennett, Bogue, Williams,  
Zermeño

NOES: COMMISSIONERS Caveglia, Halliday

ABSENT: None

ABSTAIN: CHAIRPERSON Fish

2. **Variance No. 99-180-12– Christ’s Community Christian Reformed Church (Applicant/Owner):** Request for a variance from the sign ordinance requirements to allow a reader board and an internally illuminated plastic sign within a metal cabinet. *The project location is 25927 Kay Avenue at the north corner of Kay and Calaroga Avenues in the Single-Family Residential (RS) and the Medium Density Residential (RM) Districts.*

Associate Planner Camire described the sign proposed for the Church. She explained why staff was recommending a denial of the variance but, if approved, asked that the rock base and planter be continued for several inches up the side of the sign; that there be no internal illumination; and that the paint be textured to match the color of the stucco of the church. She then responded to questions from members.

Commissioner Bennett asked for the differences between permission for this sign, and those on several other churches in the City. She was told that those she mentioned were in more commercial areas, whereas this is a strictly residential area.

Commissioner Zermeño asked whether the approval cited from the president of the Homes Association was only for herself or was she speaking for the Association.

Associate Planner Camire said she did not know how the whole association feels about the proposal, but had received calls from several residents in opposition

The Public Hearing Opened at 8:38 p.m.

John Vonhof, 4438 Gibraltar Drive, Fremont, clerk of the Church Board said their intent was to erect the sign in August. Originally, they had planned for a much larger sign with no internal lighting. The City told them the sign did not meet the design standards. He said he brought in a picture of the proposed sign and was given the go-ahead for ordering it. He indicated that he had never received any material on the process until after they had already ordered the sign and it was too late to get a refund. He said when they were given to understand that they had to request a variance, they decided to ask for the internal lighting as well. He added that there had been a lot of miscommunication with City staff on this issue.

Larry Fryling, 24362 Chandler Road, pastor of the Church, said the reason for the new sign is that they changed the name of the Church. He said they were not aware they needed a permit for the sign. They have been accumulating the \$4,000 they needed for the sign. He also indicated that there had been a communication problem with staff at the City. He said that they have done a great deal to improve the physical appearance of the property since they have been there. He did ask why the HARD and Pepsi signs were not being shown since they are very close to the church. He added that the reader board is an acceptable way to communicate with the neighborhood about Church activities. He indicated that internal lighting for the sign is safer for the community than bulbs placed in the ground surrounding the sign.

Peter Schoo, 6359 Golletta Drive, Newark, property manager for the Church, said he thought



having the stone creep up the side of the sign would be inappropriate since there would be an attractive nuisance and a safety issue with children. He commented that the sign will be a major attraction for children as it is.

Associate Planner Camire explained that staff is proposing a small continuation up from the base and not that the rocks be built to the top.

The Public Hearing closed at 8:55 p.m.

Commissioner Zermeño asked why the stress on internal lighting?

Mr. Shoo responded that including it in the sign added only another \$200 to the cost and it is a soft-type lighting which should not disturb the neighborhood as it would not point toward the condominiums nearby.

Commissioner Zermeño then asked, if not internal lighting, what would they have?

Mr. Shoo said they would install external evening lights.

Associate Planner Camire added that they would install lights in wells in the ground lighting up toward the sign.

After saying there were obviously communication problems with staff, Commissioner Halliday **moved**, seconded by Commissioner Bennett, to approve the variance with the exception of the internal illumination. She said she did not see that the scroll work is out of place; the rocks do not need to come up the sides, and it is important for churches to have a reader board with a cover as a result plastic material should be allowed.

Commissioner Bennett added that in looking at the findings for approval, there are special circumstances with houses behind and facing the other church; the applicant could enjoy rights enjoyed by others in the district; and it would not be a special privilege.

Commissioner Caveglia said he has problems with churches having brightly lit signs.

Commissioner Williams said he would rather allow the Church to use the interior illumination since spot-lights could be of a much higher wattage and more disturbing to the neighborhood. He said he would be more comfortable with the internal as the specified lighting.

Commissioner Bogue said he would not support the motion since the other sign at the adjacent church meets the Sign Ordinance regulations. He added that the rocks would not fit into the area.

Chairperson Fish said he did not agree with the lights outside since it could be a maintenance problem and a nuisance. He felt bad that for the expenditure but he could not support the motion.

The motion **carried** by the following vote:

AYES: COMMISSIONERS Bennett, Bogue, Williams,  
Zermeño

NOES: COMMISSIONERS Bogue, Caveglia  
CHAIRPERSON Fish

ABSENT: None

ABSTAIN: None

### **ADDITIONAL MATTERS**

#### **3. Oral Report on Planning and Zoning Matters**

Planning Manager Anderly announced that this is the only and final meeting in January. There will be a Planning Commission training session in Monterey if anyone is interested in attending. The Worksession was also cancelled due to lack of interest.

#### **4. Commissioners' Announcements, Referrals**

Commissioner Bennett expressed significant concerns regarding recent communications from FEMA as to a change in the designation of flood plains in the area. She suggested the new information would have a significant impact in the South of Route 92 area, and wondered if, as a result, the Commission could recall the EIR for that area.

Planning Manager Anderly suggested that her inquiry raised a number of significant questions that would need further study and more time to answer.

Commissioner Williams commented on the disregard Caltrans seems to give Hayward. He suggested that, perhaps, rather than a strong letter, our local elected officials might make a trip to Sacramento to speak with State officials regarding the issues of refuse along the freeways, weeds, and trees.

Commissioner Bogue announced an upcoming candidates night sponsored by the Southgate Homeowners Association.

Commissioner Halliday asked for further information regarding a building under construction in the parking lot at the Gateway Shopping Center on Jackson, and whether the Center would still meet parking regulations since it seems so crowded in there already.

Planning Manager Anderly indicated that the project was approved several years ago and is just now being built.

Chairperson Fish announced that Assistant City Attorney Borger is leaving her position with the City. He read a resolution to her from the Planning Commission commending her for her fine work on behalf of both the City and the Commission.

### **MINUTES**

- November 18, 1999 – Approved

Commissioner Bennett commented that she would have liked the Minutes to reflect her comments regarding Costco cooperating with the City Redevelopment Agency in developing

**MINUTES**



**REGULAR MEETING OF THE PLANNING  
COMMISSION, CITY OF HAYWARD, Council  
Chambers, Thursday,  
January 13, 2000, 7:30 p.m.  
777 "B" Street, Hayward, CA 94541**

---

their property but did not ask for further changes.

**ADJOURNMENT**

The meeting was adjourned by Chairperson Fish at 9:18 p.m.

**APPROVED:**

\_\_\_\_\_  
Barbara Halliday, Secretary  
Planning Commission

**ATTEST:**

\_\_\_\_\_  
Edith Looney  
Commission Secretary